

## **Pre-Renovation Education (PRE) Regulations**

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**28-72-51. Definitions.** For purposes of this article, the definitions in K.A.R. 28-72-1, as well as the following definitions, shall apply:

(a) "Acknowledgment statement" means a form that is signed by the owner or tenant of housing confirming that the owner or tenant received a copy of the pamphlet and renovation notice before the renovation began.

(b) "Certificate of mailing" means a receipt from the postal service that provides evidence that the renovator mailed the pamphlet and a renovation notice to each owner or tenant. The pamphlet and renovation notice shall be mailed at least seven days before the start of renovation.

(c) "Certified inspector" is defined in K.A.R. 28-72-1.

(d) "Certified risk assessor" is defined in K.A.R. 28-72-1.

(e) "Common area" is defined in K.A.R. 28-72-1.

(f) "Compensation" means payment or goods received for services rendered. Payment may be in the form of money, goods, services, or bartering.

(g) "Component" is defined in K.A.R. 28-72-1.

(h) "Emergency renovation operations" means unplanned renovation activities performed in response to a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens property with significant damage. Emergency renovation operations shall include renovations to repair damage from a tree that fell on a house and renovations to repair a water pipe break in an apartment complex.

(i) "EPA" is defined in K.A.R. 28-72-1.

(j) "Housing for the elderly" means retirement or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

(k) "Lead-based-paint-free housing" means target housing that has been determined by a certified inspector or certified risk assessor to be free of paint or

other surface coatings that contain lead equal to or in excess of one milligram per square centimeter or 0.5% by weight.

(l) "Lessee" means any entity that enters into an agreement to lease, rent, or sublease target housing, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;
- (4) trusts;
- (5) government agencies;
- (6) housing agencies; and
- (7) nonprofit organizations.

(m) "Lessor" means any entity that offers target housing for lease, rent, or sublease, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;
- (4) trusts;
- (5) government agencies;
- (6) housing agencies; and
- (7) nonprofit organizations.

(n) "Minor repair and maintenance" means activities including the following:

- (1) Performing minor electrical work that disturbs two feet or less of painted surface per component;
- (2) drilling holes in the wall to run an electrical line; or
- (3) replacing a light fixture.

(o) "Multifamily dwelling" is defined in K.A.R. 28-72-1.

(p) "Owner" means any person or entity that has legal title to housing, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;
- (4) trusts;
- (5) government agencies;

- (6) housing agencies; and
- (7) nonprofit organizations.

(q) "Pamphlet" means the current EPA pamphlet, "protect your family from lead in your home", or the current EPA-approved pamphlet that was developed for the same purpose. This term shall include reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet, except for the addition or revision of state or local information.

(r) "Record of notification" means a written statement documenting the steps taken to provide pamphlets and renovation notices to tenants and owners in residential dwellings.

(s) "Renovation" means any modification of all or part of any existing structure in housing that disturbs any painted surface, including the following:

- (1) Removal and modification of painted surfaces, components, or structures;
- (2) surface preparation activities; and
- (3) window replacement.

(t) "Renovation notice" means a notice of renovation activities to tenants and owners of residential dwellings. The notice shall describe the scope, location, and expected duration of the renovation activity.

(u) "Renovator" means a person who is receiving compensation for a renovation.

(v) "Self-certification of delivery" means an alternative method of documenting the delivery of the pamphlet and renovation notice to the tenant. This method may be used

whenever the tenant is unavailable or unwilling to sign a confirmation of receipt of pamphlet.

(w) "Supplemental renovation notice" means any additional notification that is required when the scope, location, or duration of the project changes.

(x) "Target housing" is defined in K.A.R. 28-72-1.

(y) "Zero-bedroom dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. This term shall include efficiency and studio apartments, dormitory housing, and military barracks. (Authorized by and implementing K.S.A. 1999 Supp. 65-1,202; effective June 23, 2000.)

**28-72-52. Applicability.** (a) Except as provided in subsection (b) of this regulation, article 72 shall apply to all renovation of target housing performed for compensation.

(b) This article shall not apply to renovation activities that are limited to any of the following:

(1) Minor repair and maintenance activities, including minor electrical work and plumbing, that disrupt two square feet or less of painted surface per component;

(2) emergency renovation operations; or

(3) if the renovator has obtained a copy of the determination, any renovation in target housing in which a written determination has been made by an inspector or risk assessor who has been certified in accordance with this article, that the components affected by the renovation are free of paint and other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or .5 percent by weight. (Authorized by and implementing K.S.A. 1999 Supp. 65-1,202; effective June 23, 2000.)

**28-72-53. Information distribution requirements.** (a) Renovations in residential dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the renovator shall perform the following:

(1) Provide the owner of the unit with the pamphlet and renovation notice, and comply with one of the following:

(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet and renovation notice; or

(B) obtain a certificate of mailing at least seven days before the renovation; and

(2) if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet and renovation notice, and comply with one of the following:

(A) Obtain from the adult occupant a written acknowledgment that the occupant has received the pamphlet and renovation notice, or certify in writing that the pamphlet and renovation notice has been delivered to the dwelling and that the

renovator has been unsuccessful in obtaining a written acknowledgment from an adult occupant. This certification shall include the following:

- (i) The address of the unit undergoing renovation;
- (ii) the date and method of delivery of the pamphlet and renovation notice;
- (iii) the names of persons delivering the pamphlet and renovation notice;
- (iv) the reasons for lack of acknowledgment, including the occupant's refusal to sign and unavailability of adult occupants;
- (v) the signature of the renovator; and
- (vi) the date of signature; or

(B) obtain a certificate of mailing at least seven days before the renovation.

(b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multifamily housing, the renovator shall perform the following:

(1) Provide the owner with the pamphlet and renovation notice, and comply with one of the following:

(A) Obtain from the owner, a written acknowledgment that the owner has received the pamphlet and renovation notice; or

(B) obtain a certificate of mailing at least seven days before the renovation;

(2) provide a pamphlet and a renovation notice to each unit of the multifamily housing before the start of renovation. This notification shall be accomplished by distributing written notice to each affected unit. The notice from the renovator shall describe the general nature and locations of the planned renovation activities and the expected starting and ending dates;

(3) if the scope, location, or expected starting and ending dates of planned renovation activities change after the initial notification, provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification shall be provided before the renovator initiates work beyond that which was described in the original notice.

(c) Written acknowledgment. Sample language for the written acknowledgments required in paragraphs (a)(1)(A), (a)(2)(A), and (b)(1)(A) of this regulation shall be provided by the KDHE upon request from the renovator. These acknowledgments shall be written in the same language as that in the text of the

contract agreement for the renovation, or in the case of non-owner-occupied target housing, in the same language as that in the lease or rental agreement or the pamphlet, and shall include the following:

- (1) A statement recording the owner or occupant's name and acknowledging receipt of the pamphlet and renovation notice before the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of the signature; and
- (2) either a separate sheet or part of any written contract or service agreement for the renovation. (Authorized by and implementing K.S.A. 1999 Supp. 65-1,202; effective June 23, 2000.)

**28-72-54. Recordkeeping requirements.** (a) Each renovator shall retain and, if requested, make available to KDHE all records necessary to demonstrate compliance with this article for a period of three years following completion of the renovation in target housing.

(b) Records shall be retained as specified in subsection (a) of this regulation, if applicable. These records shall include the following:

- (1) Reports certifying that a determination had been made by an inspector who has been certified in accordance with this article that lead-based paint is not present in the area affected by the renovation as described in K.A.R. 28-72-52 (b)(3);
- (2) signed and dated acknowledgments of receipt as described in K.A.R. 28-72-53 (a)(1)(A), (a)(2)(A), and (b)(1)(A);
- (3) certifications of attempted delivery as described in K.A.R. 28-72-53 (a)(2)(A);
- (4) certificates of mailing as described in K.A.R. 28-72-53, (a)(1)(B), (a)(2)(B), and (b)(1)(B); and
- (5) records of renovation notices to tenants and owners of residential dwellings as described in K.A.R. 28-72-54. (Authorized by and implementing K.S.A. 1999 Supp. 65-1,202; effective June 23, 2000.)